

The Attorney General and counsel appointed for Kirkpatrick, the Federal Public Defender, may participate in the hearing. Separate counsel may be appointed for Kirkpatrick if he so requests. The referee may appoint experts in the field of psychiatry and psychology to examine and test Kirkpatrick and to testify at the hearing before the referee. (See *Rees v. Payton*, *supra*, 384 U.S. at pp. 313-314; *Mason v. Vasquez* (9th Cir. 1993) 5 F.3d 1220, 1221-1224.) The referee shall make findings whether Kirkpatrick's competence is established by a preponderance of the evidence. (*Mason v. Vasquez*, *supra*, at p. 1225.) After the hearing, the referee shall promptly make the required findings and transmit those findings to this court with the record of the hearing, including all exhibits.

S089957      People, Respondent  
2nd Dist.          v.  
B126748      Ryan Patrick Toledo, Appellant  
Div. 2          Petition for review GRANTED.

Mosk, J.  
Kennard, J.  
Baxter, J.  
Chin, J.  
Brown, J.

S090076      People, Plaintiff and Respondent  
6th Dist.          v.  
H016871      Say Sengpadychith, Defendant and Appellant  
H020131      -----

In Say Sengpadychith on Habeas Corpus  
Petition for review GRANTED.

The issues to be briefed and argued shall be limited to: what evidence is sufficient to establish the “primary activities” element of the criminal street gang enhancement (Pen. Code section 186.22) and what harmless error standard applies to failure to instruct on that element.

Mosk, J.  
Kennard, J.  
Baxter, J.  
Chin, J.  
Brown, J.

S090107 Harold Griffith, Plaintiff and Appellant  
6th Dist. v.  
H019505 County of Santa Cruz, et al., Defendants and Respondents

Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Howard Jarvis Taxpayers Association v. City of LaHabra*, S082591 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

Mosk, J.  
Kennard, J.  
Baxter, J.  
Chin, J.  
Brown, J.

3rd Dist. The People, Petitioner  
C035896 v.  
S090725 Sacramento County Superior Court, Respondent  
Pacific Genesis Group, Inc. et al., Real Parties in Interest

Petition for review GRANTED. The matter is transferred to the Court of Appeal, Third Appellate District, with directions to vacate its order denying mandate and to reconsider in light of *Doran v. Magan* (1999) 76 Cal.App.4th 1286.

Kennard, J.  
Baxter, J.  
Chin, J.  
Brown, J.

S086444 Guinness Peat Group et al., Appellants  
4th Dist. v.  
D031016 Robert N. Gould et al., Respondents  
Div. 1 Pursuant to rule 29.4(c), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, Fourth Appellate District, Division One.

Mosk, J.  
Kennard, J.  
Baxter, J.  
Chin, J.  
Brown, J.

S074270 In re Jorge M., a Person Coming Under the Juvenile Court Law  
2nd Dist. -----  
B108677 People, Respondent  
Div. 4 v.  
Jorge M., Appellant  
Petition for rehearing DENIED.

S091551 Ramses Barrios, Petitioner  
1st Dist. v.  
A092412 San Francisco County Superior Court, Respondent  
Div. 1 People, Real Party in Interest  
Pursuant to written request of petitioner, the above entitled petition for review is ordered withdrawn.

1st Dist. City and County of San Francisco, Appellant  
A083665 v.  
Div. 2 Tony Tijerino, Respondent  
S090507 Petition for review DENIED.  
The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal, filed June 26, 2000, which appears at 82 Cal.App.4th 160. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

1st Dist. People, Respondent  
A085439 v.  
Div. 2 Timothy John Connors, Appellant  
S090413 Petition for review DENIED.

1st Dist. People, Respondent  
A086052 v.  
Div. 2 Dwain E. Davis, Appellant  
S090782 Petition for review DENIED.

1st Dist. Jack Trad, Appellant  
A086988 v.  
Div. 2 San Francisco Board of Permit Appeals, Respondent  
S090571 Petition for review DENIED.

1st Dist. Richard Frazer et al., Appellants  
A087121 v.  
Div. 3 Realty World-Selzer Realty et al., Respondents  
S090955 Petition for review DENIED.

1st Dist. People, Respondent  
A087354 v.  
Div. 5 George Lucchesi, Jr., Appellant  
S090002 Petition for review DENIED.

1st Dist. William R. Grecian, Appellant  
A087570 v.  
Div. 3 Unity House et al., Respondents  
S090764 Petition for review DENIED.

1st Dist. In re Miguel N., a Person Coming Under the Juvenile Court Law  
A087585 -----  
Div. 1 People, Respondent  
S090659 v.  
Miguel N., Appellant  
Petition for review DENIED.

1st Dist. Laurence Nasey et al., Appellants  
A088306 v.  
Div. 4 Department of Consumer Affairs, Respondent  
S090950 Petition for review DENIED.

1st Dist. In re Melvin Jackson  
A090051 on  
Div. 4 Habeas Corpus  
S090036 Petition for review DENIED.

1st Dist. In re Howard Marcus  
A090700 on  
Div. 1 Habeas Corpus  
S090244 Petition for review DENIED.

1st Dist. Chevron U.S.A., Inc., Petitioner  
A090934 v.  
Div. 2 Workers' Compensation Appeals Board and  
S090242 Cora J. Arnold, Respondents  
Petition for review DENIED.

1st Dist. McCutchen, Doyle Brown & Enerson, Petitioner  
A091328 v.  
Div. 3 Workers' Compensation Appeals Board et al., Respondents  
S090398 Petition for review DENIED.

1st Dist. Societe Commerciale Toutelectric, Petitioner  
A091901 v.  
Div. 3 San Francisco County Superior Court, Respondent  
S090951 American Homes Assurance Company, Real Party in Interest  
The application of counsel for petitioner to appear pro hac vice is  
granted.  
Petition for review DENIED.

1st Dist. General Refractories Company, Petitioner  
A091962 v.  
Div. 4 San Francisco County Superior Court, Respondent  
S090727 Conny A. Lloyd, Real Party in Interest  
Petition for review DENIED.

2nd Dist. People, Respondent  
B119940 v.  
Div. 1 Johnny Ramirez Pardo et al., Appellants  
S089679 Petitions for review DENIED.  
Mosk, J., is of the opinion review should be granted.

2nd Dist. B121757 B132509 Div. 3 S090004	People, Respondent v. Robert Edwards, Appellant ----- In re Robert Edwards on Habeas Corpus Petitions for review DENIED.
2nd Dist. B124311 Div. 2 S090654	L.F. Sportswear Inc., Appellant v. Continental Insurance Company et al., Respondents Petition for review DENIED. Kennard, J., is of the opinion the petition should be granted.
2nd Dist. B125007 Div. 4 S090583	Jirair Konialian, Respondent v. Shari Thomas, Appellant Petition for review DENIED.
2nd Dist. B129641 Div. 6 S090094	People, Respondent v. Harold Ted Cornelius, Appellant Petition for review DENIED.
2nd Dist. B130930 Div. 4 S090716	People, Respondent v. Armando Sarinana, Appellant Petition for review DENIED.
2nd Dist. B130960 Div. 7 S090756	People, Respondent v. Terry Betton, Appellant Petition for review DENIED.
2nd Dist. B131172 Div. 4 S090745	People, Respondent v. Jackie Lee Snyder, Appellant Petition for review DENIED.

2nd Dist. People, Respondent  
B131815 v.  
Div. 7 Erwin Lane Brown, Appellant  
S090812 Petition for review DENIED.

2nd Dist. People, Respondent  
B132139 v.  
Div. 4 Billy Tyrone Wilson, Appellant  
S090810 Petition for review DENIED.  
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent  
B132282 v.  
Div. 7 Juan Miranda, Appellant  
S090000 Petitions for review DENIED.  
Mosk, J., is of the opinion review should be granted.

2nd Dist. People, Respondent  
B132287 v.  
Div. 5 Diego Carrillo, Appellant  
S090724 Petition for review DENIED.

2nd Dist. People, Respondent  
B132707 v.  
Div. 5 Harry Curtis Goodall, Appellant  
S091098 Petition for review DENIED.  
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent  
B133405 v.  
Div. 5 Gary Martin Thomas, Appellant  
S090738 Petition for review DENIED.

2nd Dist. People, Respondent  
B134062 v.  
Div. 5 Reginald Charles Handy, Appellant  
S090703 Petition for review DENIED.



2nd Dist. People, Respondent  
B134222 v.  
Div. 7 Curtis Hawkins, Appellant  
S090800 Petition for review DENIED.

2nd Dist. People, Respondent  
B134273 v.  
Div. 6 Joel Anthony Salinas, Appellant  
S089972 Petition for review DENIED.

2nd Dist. People, Respondent  
B134791 v.  
Div. 3 Michael Dwaine, Appellant  
S091035 Petition for review DENIED.

2nd Dist. People, Respondent  
B135195 v.  
Div. 5 Rudolph Parrot, Appellant  
S090748 Petition for review DENIED.

2nd Dist. People, Respondent  
B135310 v.  
Div. 2 Ricky Garrett, Appellant  
S090723 Petition for review DENIED.

2nd Dist. People, Respondent  
B135456 v.  
Div. 4 Jose L. Landaverde, Appellant  
S090793 Petition for review DENIED.

2nd Dist. People, Respondent  
B135698 v.  
Div. 5 Avery L. Browne et al., Appellants  
S090803 Petitions for review DENIED.

2nd Dist. Alan D. Dickinson, Appellant  
B137861 v.  
Div. 5 William Carey International University, Respondent  
S090150 Petition for review DENIED.

2nd Dist.      In re George A. Casillas  
B142353          on  
Div. 5          Habeas Corpus  
S089773          Petition for review DENIED.

2nd Dist.      In re Dinshaw Bhagwagar  
B143324          on  
Div. 7          Habeas Corpus  
S090820          Petition for review DENIED.

3rd Dist.      People, Respondent  
C030636          v.  
S090430      Ruben Antonio Banuelos, Appellant  
                 Petition for review DENIED.

3rd Dist.      People, Respondent  
C032135          v.  
S090028      Thien Tony Vu, Appellant  
                 Petition for review DENIED.

3rd Dist.      People, Respondent  
C032468          v.  
S090944      Ted Cook, Appellant  
                 Petition for review DENIED.

3rd Dist.      People, Respondent  
C032883          v.  
S090807      Clifford Tyrone Brown, Appellant  
                 Petition for review DENIED.

3rd Dist.      In re Mercedes O., a Person Coming Under the Juvenile Court Law  
C034675      -----  
S090743      Sacramento County Dept. of Health & Human Services, Respondent  
                 v.  
                 Kenisha B. et al., Appellants  
                 Petition for review DENIED.

3rd Dist.      In re Mark Baker  
C035856          on  
S089826      Habeas Corpus  
                 Petition for review DENIED.

4th Dist. D033776 Div. 1 S090781	People, Respondent v. Eric Morrey Braswell, Appellant Petition for review DENIED.
4th Dist. D033784 Div. 1 S090772	Galen E. Rogers, Respondent v. Department of Motor Vehicles, Appellant Petition for review DENIED.
4th Dist. D033824 Div. 1 S090637	Craig Bell, Respondent v. Vista Unified School District et al., Appellants Petition for review DENIED.
4th Dist. E023073 Div. 2 S090706	People, Respondent v. Joseph Clinton Beddingfield, Appellant Petition for review DENIED. Mosk, J., is of the opinion the petition should be granted.
4th Dist. E023847 E023848 Div. 2 S090053	People, Respondent v. Marlon Deshon Baylis, Appellant ----- People, Respondent v. Eddie Lee Hampton, Appellant Petitions for review DENIED.
4th Dist. E024098 Div. 2 S089994	People, Respondent v. Brian James Bartosh, Appellant Petitions for review DENIED.
4th Dist. E024208 Div. 2 S089767	People, Respondent v. Maurice Tillman, Appellant Petition for review DENIED.

4th Dist. E024292 Div. 2 S090270	People, Respondent v. William James Bannister, Appellant Petition for review DENIED.
4th Dist. E024605 Div. 2 S090824	People, Respondent v. Rick Douglas Romandetta, Appellant Petition for review DENIED.
4th Dist. E025061 Div. 2 S090838	People, Respondent v. Willie Tyrone Rice, Appellant Petition for review DENIED.
4th Dist. E025554 Div. 2 S090837	People, Respondent v. Therion Low Humphrey, Appellant Petition for review DENIED.
4th Dist. E027109 Div. 2 S090377	City of Riverside, Petitioner v. Riverside County Superior Court, Respondent Rodolfo Martin, Real Party in Interest Petition for review DENIED.
4th Dist. E027131 Div. 2 S090043	People, Petitioner v. San Bernardino County Superior Court, Respondent Collion Carroll, Real Party in Interest Petition for review DENIED.
4th Dist. E027800 Div. 2 S091295	People, Petitioner v. San Bernardino County Superior Court, Respondent Waste Management, Inc. et al., Real Parties in Interest Application for stay and petition for review DENIED. Kennard, J., is of the opinion the petition should be granted.

5th Dist. F029122 S090272	People, Respondent v. Donald J. Green, Appellant Petition for review DENIED.
5th Dist. F031004 S089710	People, Respondent v. Steven Ross Madsen, Appellant Petition for review DENIED.
5th Dist. F032649 S090414	Frank Muna, Petitioner v. Fresno County Superior Court, Respondent Application for stay and petition for review DENIED. Kennard, J., is of the opinion the petition should be granted.
5th Dist. F032728 S090799	People, Respondent v. Rodney U. Arredondo, Appellant Petition for review DENIED.
5th Dist. F033299 S090739	People, Respondent v. Jimmy Lee Gaffaney, Jr., Appellant Petition for review DENIED.
5th Dist. F033612 S090768	People, Respondent v. Luis Lozano Tamez, Appellant Petition for review DENIED.
5th Dist. F033695 S090896	People, Respondent v. Robert Earl Lee, Appellant Petition for review DENIED.
5th Dist. F033739 S090765	People, Respondent v. Ernest Spears, Appellant Petition for review DENIED.

5th Dist. Wendy Young, Petitioner  
F034461 v.  
S090841 Workers' Compensation Appeals Board, Respondent  
Addus Healthcare et al., Real Parties in Interest  
Petition for review DENIED.

5th Dist. Willow Creek Healthcare Center, Petitioner  
F035961 v.  
S090135 Fresno County Superior Court, Respondent  
John Muccianti, Real Party in Interest  
Petition for review DENIED.

5th Dist. Willow Creek Healthcare Center, Petitioner  
F035963 v.  
S090149 Fresno County Superior Court, Respondent  
Gladys Brandes, Real Party in Interest  
Petition for review DENIED.

6th Dist. People, Respondent  
H017020 v.  
S090085 Gina Miller et al., Appellants  
Petitions for review DENIED.  
The request for an order directing publication of the opinion is  
DENIED.

6th Dist. People, Respondent  
H018611 v.  
S090809 Robert L. Wishman, Appellant  
Petition for review DENIED.

6th Dist. Empire Computer & Components, Inc., Appellant  
H019148 v.  
S090755 Pioneer/Technologies Group, Inc., etc., Respondent  
Petition for review DENIED.

6th Dist. People, Respondent  
H019373 v.  
S090796 Brian Paul Davis, Appellant  
Petition for review DENIED.

6th Dist. People, Respondent  
H019472 v.  
S090794 Norvell Edward Neiman, Appellant  
Petition for review DENIED.

6th Dist. In re Ron Adams  
H021349 on  
S089740 Habeas Corpus  
Petition for review DENIED.

6th Dist. Gary W. Law, Petitioner  
H021392 v.  
S090139 Santa Clara County Superior Court, Respondent  
Terayon Communication Systems, Real Party in Interest  
Petition for review DENIED.

6th Dist. George Anthony Maciel, Petitioner  
H021393 v.  
S090034 Santa Clara County Superior Court, Respondent  
Heather Walker, Real Party in Interest  
Petition for review DENIED.

1st Dist. Susan Spitzer, Appellant  
A086999 v.  
Div. 2 The Good Guys, Respondent  
S089532 The request for an order directing depublication of the opinion in  
the above-entitled appeal is DENIED.

2nd Dist. People, Respondent  
B131718 v.  
Div. 6 Luis Martin Hernandez et al., Appellants  
S089661 The order filed on September 13, 2000, is hereby modified to  
reflect the above-captioned corrected case title.

2nd Dist. People, Respondent

B134561 v.

Div. 1 Charles Long Chen et al., Appellants

S090386

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In re Frank James Licher IV on Habeas Corpus  
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In re Charles Long Chen on Habeas Corpus

The time for granting or denying review in the above-entitled matter is hereby extended to and including October 29, 2000, or the date upon which review is either granted or denied.

4th Dist. In re Jeffrey Otis Johnson

E027029 on

Div. 2 Habeas Corpus

S090463

The time for granting or denying review in the above-entitled matter is hereby extended to and including October 31, 2000, or the date upon which review is either granted or denied.

6th Dist. In re William Thomas Gray, Jr.

H021560 on

S090484 Habeas Corpus

The time for granting or denying review in the above-entitled matter is hereby extended to and including November 1, 2000, or the date upon which review is either granted or denied.

S007531 People, Respondent

v.

Kevin Bernard Haley, Appellant

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's brief is extended to and including November 20, 2000.

S012852 People, Respondent

v.

Robert Edward Maury, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to and including November 17, 2000.



S024642 People, Respondent

v.

Michael Ray Burgener, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to and including November 13, 2000.

S034704 People, Respondent

v.

Charles Stevens, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including November 20, 2000.

S055856 People, Respondent

v.

Christopher Self and Orlando Gene Romero, Appellants

On application of appellant Orlando Gene Romero and good cause appearing, it is ordered that the appellant is granted to and including November 21, 2000, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S073709 In re Ward Francis Weaver, Jr.

on

Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file a supplemental opposition and objections to respondent's request for sealed records is extended to and including October 20, 2000.

No further extensions of time are contemplated.

S084616 Russell Glen Day, Appellant

v.

City of Fontana et al., Respondents

On application of respondent City of Fontana and good cause appearing, it is ordered that the time to serve and file an answer to the amicus curiae brief filed by Consumer Attorneys of California is extended to and including October 18, 2000.

S085780 People, Respondent

v.

Timothy Crayton, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief on the merits is extended to and including September 29, 2000.

No further extensions will be granted.

S086220 People, Respondent

v.

Joe Buckhalter, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief on the merits is extended to and including October 12, 2000.

S086611 People, Respondent

v.

James Allen Mar, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief on the merits is extended to and including October 12, 2000.

S087346 William Hamilton et al., Respondents

v.

Maryland Casualty Company, Appellant

On application of respondents and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to and including September 25, 2000.

No further extensions of time will be granted.

S088257 Grossmont Healthcare District, Appellant

v.

San Diego Hospital Association et al., Respondents

On application of appellant and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to and including September 22, 2000.

No further extensions of time will be granted.

S089120 People, Respondent

v.

Greg Acosta, Appellant

On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file respondent's opening brief on the merits is extended to and including October 23, 2000.

S081900 Golden Gateway Center, Appellant

v.

Golden Gateway Tenants Association, Respondent

The application of American Federation of Labor and Congress of Industrial Organization for permission to file an amicus curiae brief in support of respondent is hereby granted.

An answer thereto may be served and filed by any party within twenty days of the filing of the brief.

S081900 Golden Gateway Center, Appellant

v.

Golden Gateway Tenants Association, Respondent

The application of Pacific Legal Foundation for permission to file an amicus curiae brief in support of appellant is hereby granted.

An answer thereto may be served and filed by any party within twenty days of the filing of the brief.

S082110 People, Respondent

v.

Dennis Lee Epps, Appellant

The application of Los Angeles County Public Defender's Office for permission to file an amicus curiae brief in support of appellant is hereby granted.

An answer thereto may be served and filed by any party within twenty days of the filing of the brief.

S042224 People, Respondent

v.

Tomas Verano Cruz, Appellant

Appellant's motion to compel the Sonoma County Superior Court to augment and settle the record on appeal and provide copies of sealed documents is denied.

Upon certification of the record appellant may, if appropriate and

relevant, seek judicial notice in this court of the records of other courts and proceedings that were not matters before the court in the prosecution of appellant.

Upon certification of the record, appellant may seek from this court access to the sealed exhibit and reporter's transcript, and/or request that the reporter's transcript be unsealed.

Appellant may seek leave from the trial court to prepare a master index or key to trial jurors pursuant to Code of Civil Procedure section 237, subdivision (b).

S005780 People, Respondent

v.

Theodore John Wrest, Appellant

Good cause appearing, the application of appointed lead counsel for permission to withdraw as attorney of record for condemned prisoner Theodore John Wrest, filed September 11, 2000, is granted.

The order appointing Lynne S. Coffin as counsel of record for condemned prisoner Theodore John Wrest, filed May 29, 1996, is hereby vacated.

The State Public Defender is hereby appointed lead attorney of record for condemned prisoner Theodore John Wrest. Counsel is appointed for purposes of all postconviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

John T. Philipsborn shall remain as associate counsel of record for condemned prisoner Theodore John Wrest.

S088807 People, Respondent

v.

Jimmie Dale Otto, Appellant

Upon request of appellant for appointment of counsel, Ozro Childs is hereby appointed to represent appellant on his appeal now pending in this court.

Appellant's brief on the merits shall be served and filed on or before thirty (30) days from the date of this order.

S089893 In re **James C. Lopez** on Discipline

It is ordered that **James C. Lopez, State Bar No. 153229**, be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for two

years subject to the conditions of probation, including three months actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 9, 2000. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

S089894 In re **Richard Michael Laden** on Disciplines

It is ordered that **Richard Michael Laden, State Bar No. 82188**, be suspended from the practice of law for two years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct; and until he makes restitution to June Allen in amount of \$9910.07, plus 10% per annum from August 12, 1996, (or the Client Security Fund, if appropriate) and furnishes satisfactory proof thereof to the Probation Unit, Office of the Chief Trial Counsel; that execution of suspension be stayed, and that he be placed on probation for four years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on June 8, 2000. Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in equal installments for membership years 2001, 2002, 2003 and 2004.

S089897 In re **James M. Kearney, III**, on Discipline

It is ordered that **James M. Kearney, III, State Bar No. 151880**, be suspended from the practice of law for two years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of

suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 45 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation executed June 12, 2000. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal amounts for membership years 2001 and 2002.

S089899 In re **Gary J. Goldstein** on Discipline

It is ordered that **Gary J. Goldstein, State Bar No. 129977**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including specified restitution, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on May 30, 2000. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in equal amounts for membership years 2001, 2002, and 2003.

S089901 In re **Laizer David Gould** on Discipline

It is ordered that **Laizer David Gould, State Bar No. 93883**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation executed on June 13, 2000. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for the years 2001, 2002 and 2003. (Bus. & Prof. Code 6086.10.)

S090042      In re **Elsie Joan White** on Discipline

It is ordered that **Elsie Joan White, State Bar No. 110163**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that she be actually suspended from the practice of law for six months and until she attends State Bar Ethics School and takes and passes the test given at the end of such session, as recommended by the Hearing Department of the State Bar Court in its decision filed on February 28, 2000, as modified by its Order Granting Motion for Reconsideration filed March 14, 2000; and until the State Bar Court grants a motion to terminate her actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. **Elsie Joan White** is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating her actual suspension. If **Elsie Joan White** is actually suspended for two years or more, she shall remain actually suspended until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of her actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that she comply with rule 955 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

S091493      In the Matter of the Resignation of **Ronald Ellis Harris**  
A Member of the State Bar of California

The voluntary resignation of **Ronald Ellis Harris, State Bar No. 71122** as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against him should he hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and

that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

S091578 In the Matter of the Resignation of **K. Lynden Smithson**  
A Member of the State Bar of California

The voluntary resignation of **K. Lynden Smithson, State Bar No. 80685**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

S091582 In the Matter of the Resignation of **Timothy J. Mackenzie**  
A Member of the State Bar of California

The voluntary resignation of **Timothy J. Mackenzie, State Bar No. 115909**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)